

SENATOR MARVEL: If those who are in charge of the discussion on LB 38 would help me with a definition of "care". You've got up on the top of page 120 you talk about support is not limited to food, clothing, medical care. That is the only place I see care mentioned, till we get down when we're talking about child abuse on line 15, page 120. You're talking about deprived of necessary food, clothing, shelter or care. Then you've got it down on the top of page 121, line 3, the same terminology. What, in this particular bill, is proper care? Can you define this, because I think it's rather serious.

PRESIDENT: Senator DeCamp.

SENATOR DeCAMP: I would be happy to give an answer. The answer is I don't believe there is an answer. These are the child abuse statutes that were written a couple of years ago. I raised these same questions then--what is proper care, because proper care to you may be completely different from proper care to me. However, recognizing that we were going to have some child abuse statutes and some standards, and that, hopefully, the courts would use a reasonable attitude in this, I therefore made the amendment we just adopted that because you have such broad language that you shouldn't be making everybody a 25 year felon if they happen to raise their children slightly different than you. That is why I suggested we should go to, at the most, a Class I misdemeanor. So care is 49 different definitions in the Legislature, I think. It will be up to the courts, over a period of time, to decide. Had I my choice I would completely rewrite the child abuse statutes. I don't have that choice, at least not 25 votes worth, so I'm doing the next best thing I can, trying to make it reasonable.

SENATOR MARVEL: You're telling me that, in your opinion, there are not 25 votes on this floor to properly define care which is a very serious matter as far as child abuse is concerned. So we leave it up to the courts to put their own determination on it?

SENATOR DeCAMP: Two years ago when I raised the identical question that you're suggesting now, I pointed out just how broad that word "care" can be, particularly when you go over to page 123 and realize that anybody who has a different definition of "care" or "upbringing" than you, has an obligation actually to contact the law enforcement authorities and notify them that they think child abuse might be occurring. So, as I said, I have great reservations about our entire child abuse Section. I've verbalized those to Senator Marsh. I've tried to make the Statute reasonable under the circumstances, that they're going to apparently have those child abuse sections. I tried to change it and more closely define it two years ago. So this amendment that we're adopting now is intricately involved in that. We're saying, basically, then it wouldn't be a violation of proper care in raising a child if you refused to pay that doctors bill, or it wouldn't be criminal nonsupport if you refused to pay that abortion bill if you had never been involved in any way in the decision. The Supreme Court has said that child, at a certain age, has a right not to have you involved at all, then it would not be criminal nonsupport, or a lack of care on your part, Senator Marvel, if you then refused to pay for that abortion.

SENATOR MARVEL: You referred, on page 123, to a section. What part of page 123 are you referring to?